

**Remarks:**

Applicants have carefully studied the non-final Examiner's Action mailed 04/20/2006, having a shortened statutory period for response that expired 07/20/2006 and an extended statutory period for response set to expire 10/20/2006, and all references cited therein. The amendment appearing above and these explanatory remarks are believed to be fully responsive to the Action. Accordingly, this important patent application is now believed to be in condition for allowance.

Applicants respond to the outstanding Action by centered headings and numbered paragraphs that correspond to the centered headings and paragraph numbering employed by the Office, to ensure full response on the merits to each finding of the Office.

***Priority***

The rejection of the claim for priority is not understood and is therefore respectfully traversed. The parent application was filed in Great Britain (GB) on September 28, 2001, and another application was filed in GB on December 1, 2001. An application was filed under the Patent Cooperation Treaty (PCT) on September 12, 2002, properly claiming priority to the GB application filed September 28, 2001. National entry into the US was therefore due no later than March 28, 2004, said date being thirty (30) months after September 28, 2001. March 28, 2004 was a Sunday so the national entry into the US that was made on Monday, March 29, 2004, was timely. The Office's finding: "Therefore, the filing of the present application is March 29, 2004 and there is no continuity to the PCT." is in error.

On June 3, 2004, Applicant filed a Supplemental Application Data Sheet correctly reciting the continuing data that supports the priority claim, and a copy of said Supplemental Application Data Sheet is enclosed herewith.

Accordingly, the Office's conclusion that the present application is improperly indicated as the national stage of an international application is in error.

The confusion on this issue is apparently due to a malfunction in the electronic filing system of the Office that was in operation on March 29, 2004. The electronic filing system included a field (a "box") that was to be checked if the application was a national entry under 35 USC 371. Applicant checked that box and is therefore entitled to the priority date of September 28, 2001 because the present application has continuity to the PCT filing. Applicant has

discovered in numerous other national entry patent applications filed on other days under 35 USC 371 that the checking of the box did not accomplish the intended purpose of properly identifying the application as a 35 USC 371 national entry application.

The new electronic filing system has corrected that problem. In view of the fact that the problem was caused by the software provided by the Office, Applicants respectfully request that the Office withdraw its finding that this application improperly indicates that it a national entry application under 35 USC 371.

#### *Claim Objections*

2. Claims 4-14 stand objected to because claim 4 depends from a multiple dependent claim. The cancellation of claim 3 has rendered moot this ground of rejection. Claim 4, currently amended, depends from claim 1.

#### *Claim Rejections - 35 U.S.C. § 102*

3. Applicants acknowledge the quotation of 35 U.S.C. § 102(b).

4. Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dunnleder. Cancellation of claims 2 and 3 has rendered moot this rejection as it relates to said claims. Reconsideration and withdrawal of this ground of rejection as it relates to claim 1, currently amended, is requested for the reasons that follow.

Claim 1, as currently amended, is not changed in substance from claim 1 as originally filed. It has been changed to include a plurality of paragraphs so that the elements of the invention are more easily identified. Amendments have also been so that each element is consistently referred to by the name given it upon its first introduction into the claim to thereby provide antecedent basis for all claim limitations. Changes have also been made to avoid inferential claiming.

An effort has also been made to clarify the structure of the invention. A first set of hoses provides fluid communication between the return manifold in the pipe work loop and the offtakes, and a second set of hoses provides fluid communication between the branch manifold in the pipe work branch and the offtakes.

The structure recited in claim 1, currently amended, is clearly not suggested by Dunnleder. Dunnleder teaches the art to kill bacteria in water by passing the water through a disinfectant to kill bacteria and to elevate the temperature of the water for the same reason.

Dunnleder neither teaches nor suggests a system having a first circuit that includes a storage vessel, a first pump, and a return manifold that has plural outlets connected by a first set of hoses to plural offtakes, together with a second circuit in fluid communication with the storage vessel that includes a second pump and a branch manifold having plural outlets connected by a second set of hoses to the offtakes.

Therefore Dunnleder provides no structure that enables water to flow, when the offtakes are open, from the storage vessel through the return manifold and the branch manifold in a common, first direction through the first and second set of hoses to the offtakes, and which causes the water to flow, when the offtakes are closed, from the branch manifold, through the second hoses to the offtakes where, due to the offtakes being closed, the water is then constrained to flow through the first set of hoses in a second direction, opposite to said first direction, to the return manifold and from there to the storage vessel, thereby maintaining continuous flow through the system even when said offtakes are closed.

Dunnleder was cited as a category "A" (of interest) reference in the International Search Report for this reason. The Dunnleder structure does not maintain a continuous flow of fluid into all open offtakes, nor does it include a means for maintaining fluid flow when one or more offtakes are closed by reversing fluid flow between the offtakes and a return manifold. This highly unique structure is disclosed only by Applicants.

It is worth noting that Dunnleder actually teaches away from Applicant's claimed structure. Dunnleder is operative only if water is first passed through disinfected water circuit 1 and then circulating water circuit 2. Cold water enters the Dunnleder system at 18, is fed through disinfecting circuit 1 prior to gaining access to water circulation circuit 2. The passage of the water through the disinfecting circuit kills bacteria and it is the control of the temperature in the disinfecting circuit that is used to achieve the desired result.

Nor could the claimed invention perform the work of Dunnleder. If it did, when the offtakes were open and all of the water were therefore being delivered to said offtakes by both the return manifold and the branch manifold, the water from the return manifold would be a contaminant because it would be separate from the circuit that is in fluid communication with the disinfectant circuit.

In fairness to Applicants, the Office should acknowledge that the Dunnleder structure cannot perform the functions performed by Applicants' highly novel structure and that

OCT 18 2006

Dunnleder includes no teachings that would have impelled one of ordinary skill in this art to develop the invention as claimed with particularity by Applicants. Only Applicants have invented and claimed a system having two fluid-carrying circuits that simultaneously deliver water from a common source to a plurality of offtakes when at least one offtake is open and that keep the water circulating when at least one offtake is closed, accomplishing the latter by reversing the flow in the first of the two circuits so that the fluid in both circuits is circulating all the time and under any configuration of offtake closings or openings. This constant circulation inhibits bacterial growth so that the disinfectants and elevated temperatures of the Dunnleder apparatus are not needed.

***Claim Rejections – 35 USC § 103***

5. Applicants acknowledge the quotation of 35 U.S.C. § 103(a).

6. Claims 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunnleder in view of Rjornsson; reconsideration and withdrawal of this ground of rejection is requested because claim 15, currently amended, includes its original limitations and the limitations of claims 16 and 17, now cancelled. However, no such amendment of claim 15 was needed because the filter of Rjornsson, if added to the Dunnleder system, would not have yielded the invention recited in claim 15. By adding the limitations of claims 16 and 17 to independent claim 15, Applicants provide to the art a more precise recitation of their contribution but they were not compelled to do so by the disclosure of Rjornsson. Claim 15, currently amended, is shorter in length than claim 1, currently amended, but it includes critical limitations that easily distinguish it over the contribution of Dunnleder for the reasons recited in connection with claim 1, currently amended. Rjornsson does not supply those critical limitations to Dunnleder.

***Conclusion***

7. Applicants agree that the art made of record and not relied upon is not more pertinent to the claimed invention than the art cited.

8. If the Office is not fully persuaded as to the merits of Applicants' position, or if an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (813) 925-8505 is requested. Applicants thank the Office for its careful examination of this important patent application.

Very respectfully,

SMITH & HOPEN

By: 

Ronald E. Smith  
180 Pine Avenue North  
Oldsmar, FL 34677  
(813) 925-8505  
Registration No. 28,761  
Attorneys for Applicants

Dated: October 18, 2006

pc: Bailey Walsh & Co.

---

CERTIFICATE OF FACSIMILE TRANSMISSION  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3753, Attn: Cloud K. Lee, (571) 273-8300 on October 18, 2006.

Dated: October 18, 2006

  
Dana Rickert